

# **ANDOVER CONSERVATION COMMISSION MEETING MINUTES**

**NOVEMBER 20, 2012**

Town of Andover  
36 Bartlet Street  
3<sup>rd</sup> Floor Conference Room  
7:45pm

## **COMMITTEE MEMBERS IN ATTENDANCE:**

Chairman Donald Cooper, Vice Chairman Michael Walsh, Commissioner Fran Fink, Commissioner Alix Driscoll, Commissioner Jon Honea, Commissioner Floyd Greenwood and Commissioner Kevin Porter. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

## **SCHEDULED ITEMS:**

### **15 Greenwood Road**

#### **Present in Interest: Jean and Fred Driscoll**

*Staff Recommendation: Approve as 2b, Neg.3 with conditions and Neg.6.*

Public Meeting on the Request for Determination of Applicability filed to determine if the proposed installation of a replacement septic system and associated site work is subject to the Massachusetts Wetlands Protection Act.

Agent Cleary presented this to the Commission. This is an application for a failing septic system under the WPA only. The entire lot is within the Riverfront Area of Fish Brook. A variance has been granted by the Board of Health and is awaiting DEP approval. There is yard waste which is conditioned to be removed. Staff does not agree with the Resource Areas as flagged, but the system and components, with staff changes, will meet the 100 foot offset from MAHW. There is an existing a stone infiltration trench along the driveway which allows the water to run from the driveway into the backyard. This will remain in place to prevent the garage from flooding.

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to Approve as Pos.2b, Neg.3 and Neg.6, it was seconded by Commissioner Driscoll and unanimously approved.

#### **14 Coventry Lane**

**Present in Interest: Ben Osgood, Paul Marchionda, Ellen Rinklin, Brad Rinklin, Mark Ratte and D. Desmond**

*Staff Recommendation: Approve as Pos.1 and Neg.3*

Continued Public Meeting on the Request for Determination of Applicability filed to determine if the proposed construction of an addition, deck and sunroom are subject to the Massachusetts Wetlands Protection Act.

Agent Cleary presented this to the Commission. This was continued from October 16, 2012 for purposes of revising the site plans to more accurately depict the current site conditions and boundaries, resource areas, property lines, easements and non-disturb areas. The filing is under the WPA only and the subdivision was constructed prior to any setback policies of the Commission. The proposed work is greater than 80 feet from the BVW. The wetland line shown on the plan is conservative so the work may be further away. There has been some encroachment into the BVW, the homeowner has agreed to restore the area and provide a 7.5 foot buffer strip with bounds to be installed. There is also some yard waste in the BVW which will be removed.

Commissioner Fink asked the Applicant to include shrubs and blueberry bushes to plantings to be done and to keep the access to the trail open. The Applicant agreed to maintain the access to the trail to AVIS property.

Ben Osgood informed the Commission that the work proposed will take place in stages.

Construction will start this year, but may take a year or two to fully complete. All of the work will be done within the time limits of the permit.

Commissioner Fink asked that the language "NOI filing not required" be added.

Chairman Cooper asked that the following language appearing in Finding #4 be added to Finding #3 "A permanent buffer strip of 7.5 feet, as depicted on the approved plan, shall remain in effect in perpetuity from the wetland boundary as depicted on the approved plan."

Chairman Cooper asked for a Motion. Commissioner Honea made a Motion to Approve as Pos.1 and Neg.3 and include "NOI filing not required" and make changes discussed to Finding #3, it was seconded by Commissioner Driscoll and unanimously approved.

#### **106, 110 and 112 Ballardvale Road**

**Present in Interest: Anne Mattison and Bruce Earnley**

*Staff Recommendation: Close Public Hearing and issue ORAD.*

Public Hearing on an Abbreviated Notice of Resource Area Delineation filed to determine the boundary of bordering vegetated wetland under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law.

Mr. Douglas presented this to the Commission. This is a large parcel with the resource area easily definable. There is an area of concern with possible goldenrod wet meadow which was confirmed via soils to be upland. The area is located near flag 9A on the plan. The soil is sandy with great drainage. DEP has issued a number, but is under review. Staff has confirmed the wetland line shown on the plan.

Commissioner Driscoll inquired about a site visit regarding the paper street. This is a forested area and the paper street is just that, it exists only on paper. The Commission is not approving the street, only delineating the wetland.

Copies of the plan were distributed to the abutters for review.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to close the public hearing and issue the Order of Resource Area Delineation, it was seconded by Commissioner Driscoll and unanimously approved.

## **CONSENT AGENDA**

### **5 Newport Circle**

*Staff Recommendation: Approve.*

Issuance of a Certificate of Compliance.

### **Crystal Circle**

*Staff Recommendation: Approve*

Issuance of a Certificate of Compliance for Crystal Circle.

Issuance of a Satisfactory Completion of Work Certificate for Lots 1, 6 & 7.

### **8 Snowberry Lane**

*Staff Recommendation: Approve*

Issuance of a Certificate of Compliance.

## **Minutes**

Approval of minutes from November 6, 2012 meeting.

Vice Chairman Walsh made a Motion to Approve the Consent Agenda, it was seconded by Commissioner Honea and unanimously approved.

## **LATE ITEMS WHICH MAY REQUIRE A VOTE**

### **2 Possum Hollow Road**

Issuance of an Enforcement Order. Approximately 40-70 dump trucks have imported fill to this property. A portion of the area is indicated on the Town GIS as a wetland. The remainder of the fill is within the buffer to the BVW and water easement. A verbal cease and desist order was issued on the scene. The property owner intended to level and increase their backyard. Commissioner Fink would like a site visit to assess the damage.

Commissioner Driscoll made a Motion to issue the Enforcement Order as discussed, it was seconded by Commissioner Porter and unanimously approved.

## **INFORMATIONAL ITEMS**

### **Overseer Appointments**

Commissioner Porter presented 2 Overseer's Applications and 1 Reappointment of an Overseer.

Commissioner Greenwood made a Motion to Approve the Applications and Reappointment, it was seconded by Commissioner Driscoll and unanimously approved.

### **Outfall Updates Merrimack College and 2 Bancroft**

The outfall at 2 Bancroft and South Main Street was observed with a cloudy water discharge shortly after Hurricane Sandy. Very fine particles appeared to be flowing through the silt fence. The pipe has been capped until the detention basin is functioning properly. Ann Marton will be advising the construction company during this process.

While inspecting the Merrimack College project, Markus Pinney found cloudy water discharging from the construction of the hockey rink into the wetland. He spoke with the contractor. The problem was a not properly fitted silt sack and it will be corrected.

### **Rolling Green Update**

Commissioner Fink provided an update on the Rolling Green 40B Project approval. The ZBA continued the hearing to November 27, 2012. Chairman Anderson requested 1 complete set of plans from Attorney Johnson to review. The superceding order permits both options, however the conveyance of the open space easement with public pedestrian access still remains unclear. Currently, the conveyance of the open space is tied to the occupancy of the second building, which could be far into the future.

Andy Menezes added that the access is currently labeled "Access and Easement" on the plan and does not specify pedestrian access.

The Commission unanimously is opposed to providing the Applicant with 2 options for the detention basin; is requesting upland public access to the open space; the open space and access to be conveyed upon occupancy of the first building; and use of the roadway to the Sports Club for DPW access.

Commissioner Greenwood made a Motion granting Commissioner Fink to write a letter to the ZBA stating that the Commission unanimously is opposed to providing the Applicant with 2 options for the detention basin; is requesting upland public access to the open space; the open space and access to be conveyed upon occupancy of the first building; and use of the roadway to the Sports Club for DPW access, it was seconded by Commissioner Driscoll and unanimously approved.

The Commission entered into Executive Session without returning to open session by a Motion of Commissioner Greenwood, seconded by Commissioner Honea and unanimously approved.

**The next meeting will be held at 7:45pm on December 13, 2012.**

**The meeting was adjourned at 9:15pm by Motion of Commissioner Greenwood, seconded by Vice Chairman Walsh and unanimously approved.**

Respectfully submitted by,

Lynn Viselli,  
Recording Secretary